

House
REPUBLICAN
Conference

FloorPrep

Legislative Digest

Thursday, March 5, 1998

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2369—Wireless Privacy Enhancement Act

H.R. 3130—Child Support Performance and Incentive Act

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H.R. 2369—Wireless Privacy Enhancement Act

Floor Situation: The House will consider H.R. 2369 after it completes consideration of H.R. 3130. Yesterday, the Rules Committee granted an open rule providing for one hour of general debate, equally divided between the chairman and ranking minority member of the Commerce Committee. The rule makes in order a committee amendment in the nature of a substitute as base text. It waives House rules which require that committee reports be available three days before consideration. It accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and reduce the voting time on a postponed vote to five minutes so long as it follows a regular 15-minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

Summary: H.R. 2369 improves privacy protections covering wireless communications subscribers. The bill expands section 302(b) of the 1934 Communications Act to (1) cover new communications technologies such as personal communications services (PCS) and specialized mobile radio and paging equipment; and (2) extend the prohibition against manufacturing and selling scanning devices to include *modifying* scanning devices. The bill amends section 705(a) of the Communications Act to replace the requirement that a violation must include “interception and divulgence” with language that defines a violation as either intercepting or divulging private communications, thus making intentional interception itself illegal. The bill also increases the penalties for intercepting or divulging private communications to a \$2,000 fine and up to six months in jail, with increased penalties for repeat violations. This provision makes the violations consistent with the 1986 Electronic Consumer Protection Act.

The legislation also directs the Federal Communications Commission (FCC) to (1) promulgate rules to enhance the privacy of users of frequencies shared by commercial services and public safety officials; (2) define “readily altered” scanners as those that do not preclude alterations that would allow the devices to be used illegally; (3) require scanning manufacturers to include warning labels on scanners to notify users of prohibited uses; and (4) investigate and take action on possible violations of the Communications Act or on the FCC’s rules on wireless communications privacy. The bill was introduced by Mr. Tauzin and was reported by the Commerce Committee by voice vote.

Views: The Republican leadership supports passage of the bill. The Clinton Administration has no objections to its passage.

Amendments: At press time, the *Legislative Digest* was unaware of any amendments to H.R. 2369.

Additional Information: See *Legislative Digest*, Vol. XXVII, #4, February 27, 1998.

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H.R. 3130—Child Support Performance and Incentive Act

Floor Situation: The House will consider H.R. 3130 as its first order of business today. On Wednesday, the Rules Committee granted a modified open rule which provides one hour of general debate, equally divided between the chairman and ranking member of the Ways & Means Committee. The rule waives points of order against the bill for failing to comply with section 303(a) of the Congressional Budget Act. The rule makes in order a committee amendment in the nature of a substitute as base text. The rule stipulates that no amendment will be in order unless it is printed in the *Congressional Record*. The rule waives points of order against the Cardin amendment (#2) for being nongermane to the subject of the bill. The chairman of the Committee of the Whole may postpone votes during consideration, and reduce the voting time on a postponed vote to five minutes voting time so long as it follows a regular 15-minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

Summary: H.R. 3130 revamps current law provisions governing child support enforcement regulations outlined in the 1988 Family Support Act and 1996 welfare reform law. The bill focuses on states’ efforts to convert their child support data collection and enforcement efforts from employee-dependent to automated, computer-based systems. In so doing, it specifies five categories in which a state’s performance affects the amount of matching funds it receives from the federal government for operating child support enforcement programs, and provides a revised penalty structure for states which fail to comply with deadlines to automate their child support enforcement programs. CBO estimates that enactment will have no net budgetary effect between FYs 1999-2003. H.R. 3130 was introduced by Mr. Shaw and was reported by the Ways & Means Committee by voice vote on February 25, 1998.

Views: The Republican Leadership supports passage of the bill. A Clinton Administration viewpoint was unavailable at press time.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 3130:

Mr. Cardin may offer an amendment (#2) which seeks to ensure that child support enforcement measures effectively extend to aliens present in the U.S. Specifically, the amendment provides new authority to (1) deny entry visas and permanent residency status to aliens who owe more than \$5,000 in child support within the U.S.; (2) require aliens who seek to become naturalized citizens to have complied with all child support orders issued against them before the naturalization process can be completed; and (3) allow immigration officers to serve legal summons and other legal documents to an alien at the U.S. border. *Staff Contact: Chris Lynch, x5-4016*

Mr. Gilman may offer an amendment (#3) to require state courts to include child care costs when calculating the amount of monthly child support amounts to be paid by a non-custodial parent in divorce proceedings. The intent of the amendment is to establish a uniform practice in state court divorce proceedings; currently, most states do not include such costs when determining support payments owed by a non-custodial parent. *Staff Contact: Pam Day, 5-3776*

Additional Information: See *Legislative Digest*, Vol. XXVII, #4, February 27, 1998.

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PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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Amendment

Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

